

BEFORE THE  
CALIFORNIA HORSE RACING BOARD  
STATE OF CALIFORNIA

In the Matter of the Appeal of the Board of  
Stewards Official Ruling #154, LAQH  
Racing Assn., dated February 17, 2000:

Lance W. Stokes, Trainer

Appellant.

Case No. SAC-00-017

OAH No. L-2000040153

**PROPOSED DECISION**

This matter came on regularly for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on May 17, 2000. Thomas Scheerer, Deputy Attorney General, represented the California Horse Racing Board. Appellant Lance W. Stokes appeared personally and was represented by Jay M. Coggan, Attorney at Law. The Board's brief was marked Exhibit 1 for identification. Appellant's brief was marked Exhibit A for identification.

Evidence received included the transcript of the Board of Stewards hearing held on December 9, 1999, December 17, 1999, and January 27, 2000 (Exhibits 2, 3, and 4), the exhibits from that hearing (Exhibit 5), Official Ruling #154 of the Board of Stewards (Exhibit 6), the Order Granting Stay (Exhibit 7), and the appellant's notice of appeal and request for a temporary stay pending appeal (Exhibit B).

The matter having then been argued and submitted, the Administrative Law Judge finds the following facts:

1. On December 9, 1999, December 17, 1999, and January 27, 2000, the Board of Stewards of the Los Alamitos Quarter Horse Racing Association conducted a hearing on charges that trainer Lance W. Stokes violated Title 4, Division 4, California Code of Regulations (hereinafter "Rules"), Sections 1588(g), 1592, 1692, 1870, 1878, and 1902.

2. On February 17, 2000, the Stewards made Official Ruling #154 that “Trainer Lance W. Stokes is suspended ninety (90) days from March 1, 2000, through May 29, 2000, and fined one thousand dollars (\$1,000) for violation of California Horse Racing Board Rules #1588(g) (Horse Ineligible to Start in a Race), #1692 (Requirements for Horse, Trainer and Jockey), #1878 (Workouts) and #1902 (Conduct Detrimental to Horse Racing).” On February 23, 2000, the California Horse Racing Board ordered a stay of the decision of the Stewards pending final decision in the case.

3. The following portions of the Stewards’ findings of fact are fully supported by the evidence:

## I

Lance W. Stokes was the trainer of record of the horse “Devil’s Mistake” when he raced at Los Alamitos Race Course on August 15, and September 18, 1999.

## II

Trainer Lance W. Stokes placed “Devil’s Mistake” in the care of his brother, licensed trainer Heath D. Stokes, for the August 15, and September 18, 1999 races at Los Alamitos Race Course. Lance W. Stokes was the trainer listed on the official program for both races.

## III

Lance W. Stokes instructed Heath D. Stokes to work “Devil’s Mistake” on August 13, and September 16, 1999 at Los Alamitos Race Course. Lance W. Stokes testified he knew “Devil’s Mistake” needed a work for both races to be eligible to race. The horse working on both dates was not “Devil’s Mistake” as proven by the video tapes of both mornings. Lance W. Stokes testified the horse on the video workouts was not “Devil’s Mistake”.

## IV

On August 15, 1999, “Devil’s Mistake” ran and won at Los Alamitos. “Devil’s Mistake” was ineligible for this race because he had not worked within 30 days of the race.

## V

“Devil’s Mistake” ran on September 18, 1999 at Los Alamitos Race Course in the 6<sup>th</sup> race. “Devil’s Mistake” was ineligible for this race because he had not worked within 30 days of the race.

4. The stewards made a final finding of fact (really a conclusion of law) that:

## VI

Pursuant to California Horse Racing Board Rule #1692 (Requirements for Horse, Trainer and Jockey) and #1592 (Ineligible Horse to be Disqualified) the Stewards have authority to sanction Lance W. Stokes as the trainer of record.

5. The Stewards made the following conclusion:

Trainer Lance W. Stokes sends the horse “Devil’s Mistake” to his brother, trainer Heath D. Stokes at Los Alamitos. Lance W. Stokes could have relinquished trainer responsibility to Heath D. Stokes but chose to remain the trainer of record. The trainer of record is a responsible party.

California Horse Racing Board Rule #1437 (Condition of a Race Meeting) authorizes Los Alamitos to establish “Qualifying Rules”. Licensees are bound to abide by the “Qualifying Rules” pursuant to California Horse Racing Board Rule #1870 (Conditions of a Race Meeting Binding Upon Licensees), the “Qualifying Rules” were breached.

California Horse Racing Board Rule #1692 (Requirements of Horse, Trainer and Jockey) places responsibility on the trainer for the horse being qualified to run, this rule was violated. California Horse Racing Board Rule #1878 (Workouts) holds that no trainer shall permit a horse in his charge to work unless properly identified, this rule was violated. Lance W. Stokes’ conduct in this case is clearly detrimental to horse racing, thus violating California Horse Racing Board Rule #1902 (Conduct Detrimental to Horse Racing).

6. There was no evidence that the appellant had knowledge of or approved of his brother’s working another horse in place of “Devil’s Mistake.” There was no evidence that the appellant had knowledge that “Devil’s Mistake” was ineligible or not qualified to run in

the races on August 15 and September 18, 1999. Accordingly, the Stewards made no finding that the appellant acted willfully.

7. The Board of Stewards in Official Ruling #155 suspended trainer Health D. Stokes for one hundred and eighty (180) days and fined him two thousand dollars (\$2,000) for violation of Rules 1588, 1692, 1878, and 1902, and made a finding that Health D. Stokes willfully disregarded Rule 1878. That official ruling has not been appealed.

8. Rule 1588, in pertinent part, states:

1588 Horse Ineligible to Start in a Race. In addition to any other valid ground or reason, a horse is ineligible to start in any race if:

. . . .

(g) Unless he is eligible to enter said race and is duly entered for such race.

. . . .

Rule 1592 states:

1592. Ineligible Horse to Be Disqualified.

Any horse ineligible to be entered for a race, or ineligible to start in any race, who competes in such race may be disqualified and the stewards may discipline anyone responsible therefor.

Rule 1692 states:

1692. Requirements for Horse, Trainer and Jockey.

Each horse starting in a race must be qualified for that race, ready to run, in physical condition to exert its best effort, and entered with the intention to win. Each trainer having the care or custody of such horse warrants it is fit to participate when brought to the paddock. Such trainers shall be present at the paddock to supervise the saddling of the horse and shall give instructions to assure the best performance of the horse.

Jockeys going to the post in any race shall race their mount to win, shall give their best efforts in the race to their mount and the public, and shall ride their mount out until the finish line is passed.

Rule 1870 states:

1870. Conditions of Meeting Binding upon Licensees.

The Board, recognizing the necessity of an association to comply with the requirements of its license and to fulfill its obligation to the public and the State of California with the best possible uninterrupted services, in the comparatively short licensed period, herein provides that all associations, officials, horsemen, owners, trainers, jockeys, grooms, platers, association employees, and all licensees, who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said association engages and plans to conduct such race meeting, shall be bound thereby.

Rule 1878 states:

1878. Workouts.

No trainer shall permit a horse in his charge to be taken onto the track for training or a workout except during hours designated by the association, and a trainer desiring to engage a horse in a workout shall prior to such workout identify the horse by name when requested to do so by the stewards or their authorized representative.

Rule 1902 states:

1902. Conduct Detrimental to Horse Racing.

No licensee shall engage in any conduct prohibited by this Division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interest of horse racing including, but not limited to:

- a) knowing association with any known bookmaker, known tout, or known felon,
- b) indictment or arrest for a crime involving moral turpitude or which is punishable by imprisonment in the state or federal prison, when such indictment or arrest is the subject of notorious or widespread publicity in the news media, and when there is probable cause to believe the licensee committed the offenses charged,

- c) solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by this Division.

9. The appellant contends that the Stewards' conclusion "the trainer of record is a responsible party" clearly indicates that the official ruling is based upon a strict liability theory, which would be inappropriate in that the appellant has not been charged with a violation of Rule 1887 ("The trainer shall be the absolute insurer of and responsible for the condition of the horses entered in a race, regardless of the acts of third parties...."). That contention is without merit, in view of the following findings.

10. Respondent contends that Rule 1692 is in three distinct parts, the first sentence applying only to the horse, the second and third sentences applying only to the trainer, and the fourth sentence applying only to the jockey. By this reasoning, the trainer would be responsible for the fitness of the horse but not for its qualifying to run in the race. But the trainer is in charge of the horse and thus in charge of qualifying it for the race. To adopt the appellant's interpretation of Rule 1692 would result in no one being responsible for the eligibility of the horse to compete in the race, and would therefore nullify the provision of Rule 1592 that "the stewards may discipline anyone responsible" for the running of an ineligible horse. Such a result would be contrary to law and reason.

11. The appellant contends that no violation of Rule 1878 has been established as to him, since there is no evidence that he had any knowledge that a horse different than "Devil's Mistake" was going to the workout, and there is no evidence that he was asked to identify the horse to be worked. However, the workouts were arranged by telephone calls to the Official Clocker (presumably by the appellant's agent, Heath D. Stokes) in which the horse to be worked was affirmatively misrepresented to be "Devil's Mistake," and the appellant's agent, Heath D. Stokes, caused a different horse to be worked.

12. The appellant contends that a clear reading of Rule 1902 indicates that it proscribes only intentional, not merely negligent, conduct that is detrimental to horse racing, and that no such intentional conduct has been established as to him. Contrary to the appellant's contention, it is not found to be evident that Rule 1920 on its face only contemplates intentional conduct. No contention has been offered that the facts of this case are not detrimental to horse racing.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the following is the legal basis for the decision:

Cause has not been established by a preponderance of the evidence pursuant to Business and Professions Code Section 19517 to overrule the Stewards' Official Ruling #154 against Lance W. Stokes, by reason of Findings 9, 10, 11, and 12.

\* \* \* \* \*

WHEREFORE THE FOLLOWING ORDER is hereby made:

The Stewards' Official Ruling #154 against Lance W. Stokes is sustained.

Dated: \_\_\_\_\_

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W. F. BYRNES  
Administrative Law Judge  
Office of Administrative Hearings

WFB:sp